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### Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1-7, 10, and 11 have been rejected as being anticipated by Angelo (USPN 5,923,754), and Claims 8 and 9 have been rejected as being obvious over Angelo in view of Scheidt et al. (USPN 6,542,608).

To overcome the rejections, Claim 2 has been amended to specify that the MKB includes plural encrypted entries, with each entry having a position in the MKB and being established by transforming a key number using a position number representing the position in the MKB of the respective key number. Claims 1-11 remain pending.

### Rejections Under 35 U.S.C. §102

Claims must be interpreted as one skilled in the art would interpret them, MPEP §2111.01.

Claims 1-7, 10, and 11 have been rejected under 35 U.S.C. §102 as being anticipated by Angelo based on the allegation that both the disk key and a drive key derived from the disk key on power-up are position dependent, and similarly that combining the disk key and media key amounts to using a position dependent function.

Much of the examiner's interpretation of Angelo is correct. For instance, it is true that Angelo's disk contains a single disk key (used in the rejection as the claimed "media key") and plural media keys, one for each piece of content on the disk. It is also true that upon power-up, the DVD player obtains the disk key from the disk and uses it to generate a drive-key, which it uses to encrypt the product of the disk key and media key, for secure transmission of the keys to an associated video controller 18.

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But the examiner strains too hard to arrive at a rejection when he conjures up position dependency in Angelo. There is none. A key that is unique to a particular disk is not "position dependent", because the disk can be anywhere in the world and the key can be anywhere on the disk, and no matter what the location or position or orientation of the disk and/or key, the disk key remains the same. The same is true of the relied-upon device key. The DVD player can be in any position/location/orientation and nothing about the device key is changed. Essentially, the examiner is reading position dependency out of the claims, because under his rationale any key anywhere is position dependent in that it is on some electronic media which is positioned somewhere in the world.

Further, there is no position-dependent function in Angelo, because there is no concept of position dependency in Angelo. The alleged position-dependent function - combining the device key with the disk key/media key combination - does not depend on any position. It depends on nothing more than two position-independent keys.

Applicant appreciates that the examiner is trying to read the claims broadly during prosecution, but as the above-quoted portion of the MPEP makes clear, unless it is apparent on the record that the *skilled artisan* would render the proffered interpretation, the interpretation fails. It would seem that when, as here, a peculiarly broad interpretation is proffered, it ought to be accompanied by some evidence of record that skilled artisans regard keys as being "position-dependent" simply by virtue of being stored on a position-independent disk.

Without acquiescing in the examiner's interpretation, one thing surely is in error, and that is the rejection of Claim 2, which requires not just any position dependency but explicitly requires that each entry in a media key block (MKB) is established by transforming a number using a position number representing

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the position in the MKB of the respective number. Plainly, even under the wildest interpretation of Angelo, no such thing remotely exists in it.

Next consider Claim 7, which recites means for receiving a media key and altering it with each of a sequence of numbers to render a sequence of media keys. The examiner has evidently read the disk key in Angelo as the claimed "media key" and the individual media keys of Angelo as the claimed "sequence of numbers". Without acquiescing that random media keys which are independent of each other in fact establish a "sequence", what is certain is that the third element of Angelo, the device key which encrypts the disk key/media key product, is in no way associated with "the respective number", because in Angelo as read by the examiner, the respective number is the media key, a component completely independent of the device key.

For the reasons above, Claim 10 likewise is patentable.

Rejections Under 35 U.S.C. §103

Claims 8 and 9 have been rejected under 35 U.S.C. §103 as being obvious over Angelo in view of Scheidt et al. The problem here is that the proffered motivation to combine - that a key matrix is a desirable creation from the combination of multiple keys - has no relevance to Angelo. There are only a few keys in Angelo, and they are all the product of a single disk key and multiple media keys. Thus, Angelo could not produce a two-dimensional matrix if it tried.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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